

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

**EARL PARRIS, JR., individually, and)
On behalf of a Class of persons similarly)
Situating,)
Plaintiff,)
)
City of SUMMERVILLE, GEORGIA,)
)
Intervenor-Plaintiff,)
vs.)
)
3M COMPANY, DAIKIN AMERICA,)
INC., HUNTSMAN INTERNATIONAL)
LLC, MOUNT VERNON MILLS, INC.,)
TOWN OF TRION, GEORGIA, and)
RYAN DEJUAN JARRETT,)
Defendants.)**

**Civil Action No.:
4:21-CV-00040-TWT**

JURY TRIAL REQUESTED

**ANSWER AND AFFIRMATIVE DEFENSES OF THE TOWN OF TRION
TO INTERVENOR-PLAINTIFF CITY OF SUMMERVILLE’S
COMPLAINT IN INTERVENTION**

COMES NOW, Defendant Town of Trion, Georgia (“Town of Trion”), by and through its undersigned counsel, and hereby submits its Answer and Affirmative Defenses to Intervenor-Plaintiff City of Summerville, Georgia’s Complaint and shows this Court as follows:¹

¹ Intervenor-Plaintiff City of Summerville expressly denies asserting any legal claims or allegations against Town of Trion. (See Intervenor-Plaintiff’s Complaint, ¶ 11). As such, Intervenor-Plaintiff’s Complaint does not contain any allegations against Town of Trion to which a response is necessary. In the event an answer is

I. AFFIRMATIVE DEFENSES

By asserting the affirmative defenses below, Defendant does not allege or admit that it has the burden of proof and/or persuasion with respect to any of these defenses. Nor does Defendant admit that Intervenor-Plaintiff is relieved of its burden to prove each element of its claims and the damages, if any, to which it is entitled.

FIRST DEFENSE

Intervenor- Plaintiff's Complaint fails to state a claim upon which relief may be granted against the Town of Trion.

SECOND DEFENSE

Town of Trion incorporates, as applicable, the defenses set forth in its Answer and Affirmative Defenses to the underlying First Amended Complaint as if set forth fully herein.

THIRD DEFENSE

Defendant will rely on all defenses lawfully available to it at the time of trial and reserves the right to amend this answer to include additional defenses after discovery is completed.

deemed required, Town of Trion answers each individual allegation in its Answer and Defenses of Town of Trion to Intervenor-Plaintiff City of Summerville's Complaint in Intervention.

FOURTH DEFENSE

Town of Trion expressly adopts and incorporates those affirmative defenses raised by co-defendants, to the extent consistent with Town of Trion's defenses, in its Answer and Affirmative Defenses to Intervenor-Plaintiff's Complaint.

FIFTH DEFENSE

The Town of Trion incorporates the preceding Defenses as if specifically set out herein and answers the individual paragraphs of Intervenor-Plaintiff's Complaint as follows:

STATEMENT OF THE CASE

1.

Paragraph 1 of Intervenor-Plaintiff's Complaint is a summary of its case, to which no response is required. In the event an answer is deemed required, Town of Trion denies the allegations in Paragraph 1 of Intervenor-Plaintiff's Complaint. Town of Trion denies any culpability for any alleged contamination of Raccoon Creek.

2.

Paragraph 2 of Intervenor-Plaintiff's Complaint is a summary of its case, to which no response is required. In the event an answer is deemed required, Town of Trion denies the allegations in Paragraph 2 of Intervenor-Plaintiff's Complaint.

The Town of Trion denies any culpability for any alleged contamination of Raccoon Creek.

3.

Paragraph 3 of Intervenor-Plaintiff's Complaint is a summary of its case, to which no response is required. In the event an answer is deemed required, Town of Trion denies the allegations in Paragraph 3 of Intervenor-Plaintiff's Complaint. The Town of Trion denies any culpability for any alleged contamination of Raccoon Creek.

JURISDICTION AND VENUE

4.

Paragraph 4 of Intervenor-Plaintiff's Complaint states a legal conclusion, to which no response is required. In the event an answer is deemed required, Town of Trion denies the allegations contained in Paragraph 4 of Intervenor-Plaintiff's Complaint.

5

The allegations contained in Paragraph 5 of the Intervenor-Plaintiff's Complaint are admitted insofar as venue is proper; however, the Town of Trion denies the remaining allegations in Paragraph 5.

6.

As to the allegations contained in Paragraph 6 of the Intervenor-Plaintiff's Complaint, it is upon information and belief that the Town of Trion admits that the Intervenor-Plaintiff/City of Summerville is a municipal corporation organized under the laws of the State of Georgia. Whether Intervenor-Plaintiff has a proprietary interest in its water is a question of law, to which no response is required. Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 6 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

7.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

8.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Intervenor-Plaintiff's

Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

9.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

10.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

11.

Town of Trion admits it is a named defendant in the pending action. The remainder of Paragraph 11 of Intervenor-Plaintiff's Complaint does not contain any allegations against Town of Trion to which a response is necessary. In the event an answer is deemed required, Town of Trion denies the allegations contained in Paragraph 11 to the extent they are pled against it.

12.

Paragraph 12 of Intervenor-Plaintiff's Complaint does not contain any allegations against Town of Trion to which a response is necessary. In the event an answer is deemed required, Town of Trion denies the allegations contained in Paragraph 12 of Intervenor-Plaintiff's Complaint to the extent they are pled against it.

FACTUAL ALLEGATIONS

13.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

14.

The allegations contained in Paragraph 14 of the Intervenor-Plaintiff's Complaint are admitted insofar as the City of Summerville uses Raccoon Creek as a primary water source. Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

15.

The allegations contained in Paragraph 15 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

16.

The allegations contained in Paragraph 16 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

17.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

18.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of Intervenor-Plaintiff's

Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

19.

Town of Trion lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

20.

Paragraph 20 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

21.

Paragraph 21 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

22.

Paragraph 22 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

23.

Paragraph 23 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

24.

Paragraph 24 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof.

25.

Paragraph 25 of Intervenor-Plaintiff's Complaint calls for an expert opinion, to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of Intervenor-Plaintiff's Complaint, and therefore, neither admits nor denies the same, but demands strict proof thereof. Answering further, any state guidelines concerning PFAS speak for themselves.

26.

The allegations contained in Paragraph 26 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

27.

The allegations contained in Paragraph 27 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

28.

The allegations contained in Paragraph 28 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

29.

The allegations contained in Paragraph 29 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

30.

The allegations contained in Paragraph 30 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

31.

The allegations contained in Paragraph 31 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any

allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

32.

The allegations contained in Paragraph 32 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer as to this Defendant, the allegation is denied.

33.

The allegations contained in Paragraph 33 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

34.

The allegations contained in Paragraph 34 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

35.

The allegations contained in Paragraph 35 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

36.

The allegations contained in Paragraph 36 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the allegation is denied.

37.

The allegations contained in Paragraph 37 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer as to this Defendant, the allegation is denied.

38.

The allegations contained in Paragraph 38 of the Intervenor-Plaintiff's Complaint are statements requiring no direct admission or denial; however, as to any allegation contained therein requiring a specific answer, as to this Defendant, the

allegation is denied. Answering further, the cited “Resolution Regarding the City of Summerville Water Supply, October 12, 2020,” and attached as **Exhibit A** to Intervenor-Plaintiff’s Complaint speaks for itself.

COUNT ONE
Negligence

39.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 39.

40.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff’s Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff’s Complaint can be construed against Town of Trion, Town of Trion denies the same.

41.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff’s Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff’s Complaint can be construed against Town of Trion, Town of Trion denies the same.

42.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

43.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

44.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

45.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

46.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

47.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT TWO
Public Nuisance

48.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 48.

49.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

50.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

51.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

52.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

53.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

54.

Town of Trion makes no answer to the allegations contained in Count One of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count One of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

55.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

56.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

57.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

58.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

59.

Town of Trion makes no answer to the allegations contained in Count Two of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Two of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT THREE

Private Nuisance

60.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 60.

61.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

62.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

63.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

64.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

65.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

66.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

67.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

68.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

69.

Town of Trion makes no answer to the allegations contained in Count Three of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Three of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT FOUR
Abatement of Nuisance

70.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 70.

71.

Town of Trion makes no answer to the allegations contained in Count Four of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Four of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

72.

Town of Trion makes no answer to the allegations contained in Count Four of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Four of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT FIVE

Trespass

73.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 73.

74.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

75.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

76.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

77.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

78.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

79.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

80.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

81.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

82.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

83.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

84.

Town of Trion makes no answer to the allegations contained in Count Five of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Five of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT SIX

Wantonness and Punitive Damages

85.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 85.

86.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

87.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

88.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

89.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

90.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

91.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

92.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

93.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

94.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

95.

Town of Trion makes no answer to the allegations contained in Count Six of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Six of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT SEVEN
Injunctive Relief

96.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 96.

97.

Town of Trion makes no answer to the allegations contained in Count Seven of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Seven of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

98.

Town of Trion makes no answer to the allegations contained in Count Seven of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Seven of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT EIGHT

Attorneys' Fees and Expenses of Litigation

99.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 99.

100.

Town of Trion makes no answer to the allegations contained in Count Eight of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Eight of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT NINE
Georgia Water Quality Control Act

101.

Town of Trion incorporates its answers to Paragraphs 13 through 36 as if set forth fully herein Paragraph 101.

102.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

103.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

104.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

105.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

106.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

107.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

108.

Town of Trion makes no answer to the allegations contained in Count Nine of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Nine of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

COUNT TEN
Negligent Failure to Warn

109.

Town of Trion incorporates its answers to Paragraphs 13 through 38 as if set forth fully herein Paragraph 109.

110.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

111.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

112.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

113.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

114.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

115.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

116.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

117.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

118.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

119.

Town of Trion makes no answer to the allegations contained in Count Ten of Intervenor-Plaintiff's Complaint, as said allegations are not directed at Town of

Trion. To the extent allegations contained in Count Ten of Intervenor-Plaintiff's Complaint can be construed against Town of Trion, Town of Trion denies the same.

WHEREFORE, Defendant, Town of Trion, Georgia, denies that Intervenor-Plaintiff is entitled to judgment, in any amount, against it and prays that this Court Dismiss Intervenor-Plaintiff's Complaint, with prejudice, and costs assessed against the Plaintiff.

JURY DEMAND

Defendant Town of Trion, Georgia respectfully demands a jury trial on all claims alleged against it.

Respectfully submitted, this 21st day of April, 2022.

**GORDON REES SCULLY
MANSUKHANI, LLP**

By: /s/ Kimberly C. Sheridan

Kimberly Sheridan

Georgia Bar No. 624547

55 Ivan Allen Junior Blvd., NW, Suite 750

Atlanta, Georgia 30308

Phone: (404) 978-7324

Fax: (678) 389-8475

ksheridan@grsm.com

Attorney for Defendant Town of Trion

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

**EARL PARRIS, JR., individually, and)
On behalf of a Class of persons similarly)
Situating,)
Plaintiff,)
)
City of SUMMERVILLE, GEORGIA,)
)
Intervenor-Plaintiff,)
vs.)
)
3M COMPANY, DAIKIN AMERICA,)
INC., HUNTSMAN INTERNATIONAL)
LLC, MOUNT VERNON MILLS, INC.,)
TOWN OF TRION, GEORGIA, and)
RYAN DEJUAN JARRETT,)
Defendants.)
RYAN DEJUAN JARRETT,)
Defendants.)**

**Civil Action No.:
4:21-CV-00040-TWT**

JURY TRIAL REQUESTED

**CERTIFICATE OF SERVICE
AND COMPLIANCE WITH LOCAL RULE 5.1**

I hereby certify that I have this date electronically filed the within and foregoing, Answer and Affirmative Defenses to Intervenor-Plaintiff City of Summerville, Georgia's Complaint, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record. Further, all pleadings were prepared using Times New Roman 14-point font.

This 21st day of April, 2022.

By: /s/ Kimberly C. Sheridan

Kimberly Sheridan

Georgia Bar No. 624547

55 Ivan Allen Junior Blvd., NW, Suite 750

Atlanta, Georgia 30308

Phone: (404) 978-7324

Fax: (678) 389-8475

Email: ksheridan@grsm.com

Attorney for Defendant Town of Trion